

SUMMARY REPORT DIGEST-

COMPLAINT REGISTER INVESTIGATION NO.:

1020887

DATE OF REPORT (DAY-MO.-YEAR)

09 December 2008

To be used in all cases that are to be classified as either EXONERATED, UNFOUNDED, NOT SUSTAINED cases where the Disciplinary Recommendation does not exceed FIVE (5) DAYS SUSPENSION.

SUBMIT ORIGINAL AND 3 COPIES IF ASSIGNED TO SAME UNIT AS ACCUSED.
SUBMIT ORIGINAL AND 4 COPIES IF NOT ASSIGNED TO SAME UNIT AS ACCUSED.

TO: SUPERINTENDENT OF POLICE
ATTENTION ☒ ADMINISTRATOR IN CHARGE, INDEPENDENT POLICE REVIEW AUTHORITY
☐ ASSISTANT DEPUTY SUPERINTENDENT, INTERNAL AFFAIRS DIVISION

FROM - INVESTIGATOR'S NAME Donna Washington		RANK INV	BADGE NO. 143	SOCIAL SEC. NO. XXX-XX-XXXX	EMPLOYEE NO. [REDACTED]	UNIT ASSIGN. 113
ADDRESS OF INCIDENT [REDACTED]			DATE OF INCIDENT - TIME 16 Oct 2008 - 1350		BEAT OF INCIDENT 332	LOCATION CODE 17
ACCUSED	NAME 1. [REDACTED]	RANK PO	STAR NO. 11299	SOCIAL SEC. NO. XXX-XX-XXXX	EMPLOYEE NO. [REDACTED]	UNIT ASSIGN. 212
	2					
	SEX/RACE 1. M/B	D.O.B. [REDACTED]	DATE OF APPOINTMENT 27 Aug 1990		DUTY STATUS (TIME OF INCIDENT) <input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY	<input checked="" type="checkbox"/> SWORN <input type="checkbox"/> CIVILIAN
	2				<input type="checkbox"/> SWORN <input type="checkbox"/> CIVILIAN	PHYS. COND. CODE 01
	IF APPLICABLE - DATE ARRESTED/INDICATED 1.		CHARGES		COURT BRANCH	DISPOSITION & DATE
	2					
COMPLAINANTS	NAME	ADDRESS**	CITY STATE	TELEPHONE	SEX/RACE	D.O.B./AGE
VICTIMS	NAME	ADDRESS**	CITY STATE	TELEPHONE	SEX/RACE	D.O.B./AGE
	[REDACTED]	[REDACTED]	Chicago IL.	[REDACTED]	M/B	32
WITNESSES	NAME	ADDRESS**	CITY STATE	TELEPHONE	SEX/RACE	D.O.B./AGE
	Zachery Scott	PO, #6187, Unit 212, Emp. [REDACTED]		Pax: 2039	M/B	[REDACTED]

☐ SEE ATTACHED SHEET FOR ADDITIONAL ACCUSED, COMPLAINANTS, VICTIMS, WITNESSES.

ALLEGATIONS

On 16 October 2008, at 1415 hours, the victim, [REDACTED] telephoned the Independent Police Review Authority and registered this complaint with Intake Aide Stacey Tolliver-Smith.

[REDACTED] alleged that on 16 Oct 08, at approximately 1350 hrs, while in the vicinity of 1737 E. 67th Street, Officer Gary Claxton, Star # 11299 1) Pointed his weapon at [REDACTED] throat. 2) Placed [REDACTED] in handcuffs too tightly. 3) Verbally abused [REDACTED]

I.A.D. LOCATION CODES

01 Food Sales/Restaurant
02 Tavern/Liquor Store
03 Other Business Establishment
04 Police Building
05 Lockup Facility
06 Police Maintenance Facility
07 CPD Automotive Pound Facility
08 Other Police Property
09 Police Communications System
10 Court Room

11 Public Transportation Veh./Facility
12 Park District Property
13 Airport
14 Public Property - Other
15 Other Private Premise
16 Expressway/Interstate System
17 Public Way - Other
18 Waterway, Incl. Park District
19 Private Residence

I.A.D. PHYSICAL CONDITION CODES

01 No Visible Injury - Apparently Normal
02 No Visible Injury - Under Influence
03 Injured, Not Hospitalized
04 Injured, Not Hospitalized - Under Influence
05 Injured, Hospitalized
06 Injured, Hospitalized - Under Influence
07 Injured, Refused Medical Aid
08 Injured, Refused Medical Aid - Under Influence
09 Deceased
10 Deceased - Under Influence

** IF CPD MEMBER, LIST RANK, STAR, SOCIAL SECURITY, EMPLOYEE NOS. IN ADDRESS BOX, PAX/BELL IN TELEPHONE BOX.

Briefly summarize the investigation describing your efforts to prove or disprove the allegation(s). Indicate whether witnesses or evidence support or do not support the allegations(s).

In sustained cases ONLY, copies of the accused member's Summary of Previous Disciplinary Actions and Record of Previous Complimentary History will be included as attachments.

In an interview with "IPRA," victim, [REDACTED] related that he was talking to a male/black and a female/black acquaintance on the street when a squad car pulled up. [REDACTED] stated that a male/black officer, now known as Officer Gary Claxton exited the vehicle and told him to remove his hands from his pockets. [REDACTED] stated that Officer Claxton grabbed his sweatshirt and placed his 45 caliber automatic silver gun to his neck. Officer Claxton told [REDACTED] "the next time I tell you to take your fucking hands out of your pockets just do it," and then holstered his weapon, turned him around to handcuff him. [REDACTED] stated that Officer Claxton turned him around while in handcuffs and caused the cuff on the right hand too tighten. Officer Claxton removed [REDACTED] cap off his head and then placed it back on his head in a way that the cap pressed his eyeglasses against his face, causing redness to the bridge of his nose [REDACTED] said after Officer Claxton released him, and told him "If I see you later today or tomorrow I will make you kiss the concrete or with your hands in your pocket again, I'm going to put some of this lead in your ass." [REDACTED] stated that he sustained red bruising marks to the bridge of his nose and both rest, but did not seek medical attention.(Att. 4)

Attempts to contact witnesses, [REDACTED] and [REDACTED] who were provided by [REDACTED] were unsuccessful. (Att. 10-17)

Evidence Technician photographs of [REDACTED] did not depict redness to the bridge of his nose or to wrist.(Att.22)

On 16 October 2008, at 1355 hrs, a name check was conducted by Officer Claxton of [REDACTED] Att. 26)

On 15 October 2008, at 1540 hrs, Officer Gary Claxton made a contact card for [REDACTED] at the location of 6715 S. East End Ave.(Att. 32)

In a report, Officer Scott provided accounts of the incident that corroborated that of Officer Claxton. He denied seeing Officer Claxton commit the alleged actions and did not see him have any physical contact with [REDACTED] Officer Scott stated [REDACTED] demeanor was hostile towards him and Officer Claxton. (Att.33)

In a report, accused Officer Claxton related he observed [REDACTED] loitering and after passing the location several times, he exited the car to conduct a field interview. Officer Claxton stated that [REDACTED] and another subject had both hands in their pockets and for officer safety he asked them to remove their hands. Officer Claxton stated they failed to comply and he unholstered and drew his service revolver, ordering them to remove their hands. After the subjects complied, he reholstered his weapon. Officer Claxton denied the allegations against him and stated he did not use improper force, handcuff or speak improperly to Mr. [REDACTED] Officer Claxton did not observe any injuries on [REDACTED] and described his demeanor as hostile. (Att.31)

INVESTIGATIVE REPORTS-
SUPPORTING ALLEGATION
LIST ATTACHMENT NUMBERS:
1,4

INVESTIGATIVE REPORTS-
SUPPORTING ACCUSED MEMBER (S)
LIST ATTACHMENT NUMBERS:

PHYSICAL EVIDENCE
LIST ATTACHMENT NUMBERS:

22

TOTAL NUMBER OF ATTACHMENTS
SUBMITTED WITH THIS FILE:
35

Summarize the findings and recommendations. Rule violations will be cited by number only. One overall recommendation for Disciplinary Action will be made by the investigator. The recommendation will be for ALL sustained findings; recommendations will NOT be made for each sustained allegation. Example: 1. Violation noted, no disciplinary action warranted. 2. That the accused member be reprimanded. 3. That the accused member be suspended for days (not to exceed 5 days).

FINDINGS:

Accused Officer: Officer Gary Claxton, Star #11299
Allegations 1-3: Not Sustained

[REDACTED]
IPRA Supervisor

DATE INITIATED (DATE COMPLAINT WAS
RECEIVED FOR INVESTIGATION)

16 Oct 08

DATE COMPLETED (DATE OF THIS REPORT)

9 Dec 08

ELAPSED TIME (TOTAL TIME, EXPRESSED IN DAYS)

54 Days

Investigator will initiate the Command Channel Review
for by completing the Investigator's Section.

INVESTIGATOR'S SIGNATURE

[Signature] #143

Independent Police Review Authority

Page 3

Conclusion

Log # 1020887

The reporting investigator recommends a finding of **Not Sustained** for **Allegations # 1-3**. There was insufficient evidence to support or disprove [REDACTED] allegations. The witnesses that were provided by [REDACTED] were not cooperative in this investigation. The contact card that was provided by Officer Claxton did not match the date and time in which the incident was said to have occurred. The Log Scan revealed a name check of [REDACTED] was done on a date different then that of the aforementioned contact card. Moreover, the E.T. Photos did not indicate obvious injuries on [REDACTED] nose or to his wrist.


[Home](#) » [Administrative Investigations IAD/COPA](#) » [View Incident](#)
[Print Face Sheet](#)
[Print Current Case Summary](#)
[< Return](#)
[Incident Review](#)
[Investigation](#)

Reporting Category

Category	Subcategory	Situation	Victim/Offender Armed?	Weapon Types	Weapon Other	Weapon Recovered?	Deceased?
05A EXCESSIVE FORCE / ON DUTY - INJURY	-	NO ARREST	-	-	-	-	-

row(s) 1 - 1 of 1

Log No: 1020887 Type:CR

Accused Members

Review	Name	Status	Accused Overall Finding	Recommended Penalty	No. of Days	Date/Time Served	Created Date	Complimentary History
View	CLAXTON, GARY	CLOSED/FINAL	NOT SUSTAINED	-	-	-	16-OCT-2008	N/A

row(s) 1 - 1 of 1

Attachments

No.	Type	Related Person	No. of Pages	Narrative	Original in File	Entered By	Entered Date/Time	Status	Approve Content?	Approve Inclusion?
View	1	FACE SHEET	N/A	-	-	SMITH-TOLLIVER, STACEY	OCT-16-2008 14:15	-	-	-
View	3	CONFLICT CERTIFICATION	N/A	-	-	WASHINGTON, DONNA	OCT-23-2008 13:45	-	-	-
View	4	COMPLAINANT STATEMENT	N/A	1	Complainant, [REDACTED]	WASHINGTON, DONNA	NOV-26-2008 08:39	APPROVED	-	YES
View	5	SWORN AFFIDAVIT FROM COMPLAINANT	N/A	1	Complainant, [REDACTED]	WASHINGTON, DONNA	NOV-26-2008 08:40	APPROVED	-	YES
View	6	PHOTO IDENTIFICATION	N/A	1	Complainant, [REDACTED]	WASHINGTON, DONNA	NOV-26-2008 08:41	APPROVED	-	YES
View	7	OBSERVATION OF INJURIES	N/A	1	To-From Inv.Soto of [REDACTED] injuries	WASHINGTON, DONNA	NOV-26-2008 08:43	APPROVED	-	YES
View	8	REPORT (OTHER)	N/A	1	Request for printout Log Scan	WASHINGTON, DONNA	NOV-26-2008 08:45	APPROVED	-	YES
View	9	REPORT (OTHER)	N/A	1	Confirmation fax of printout Log scan	WASHINGTON, DONNA	NOV-26-2008 08:47	APPROVED	-	YES
View	10	ATTEMPT TO CONTACT	N/A	1	Witness, [REDACTED]	WASHINGTON, DONNA	NOV-26-2008 08:47	APPROVED	-	YES
View	11	ATTEMPT TO CONTACT	N/A	1	Cert letter,witness, [REDACTED]	WASHINGTON, DONNA	NOV-26-2008 09:00	APPROVED	-	YES
View	12	ATTEMPT TO CONTACT	N/A	1	Final Letter, witness, [REDACTED]	WASHINGTON, DONNA	NOV-26-2008 09:02	APPROVED	-	YES
View	13	ATTEMPT TO CONTACT	N/A	1	Cert. Final Letter witness, [REDACTED]	WASHINGTON, DONNA	NOV-26-2008	APPROVED	-	YES

	ID	Description	Status	Copies	Type	Name	Date	Action	Result
[View]	14	ATTEMPT TO CONTACT	N/A	1	Witness,	[REDACTED] YES	WASHINGTON, DONNA	NOV-26- 2008 09:03	APPROVED - YES
[View]	15	ATTEMPT TO CONTACT	N/A	1	Cert. Letter, witness.	[REDACTED] YES	WASHINGTON, DONNA	NOV-26- 2008 09:04	APPROVED - YES
[View]	16	ATTEMPT TO CONTACT	N/A	1	Final letter, witness.	[REDACTED] YES	WASHINGTON, DONNA	NOV-26- 2008 09:05	APPROVED - YES
[View]	17	ATTEMPT TO CONTACT	N/A	1	Cert. Final Letter, witness.	[REDACTED] YES	WASHINGTON, DONNA	NOV-26- 2008 09:06	APPROVED - YES
[View]	18	ATTENDANCE AND ASSIGNMENT RECORD	N/A	2	Unit 212	[REDACTED] YES	WASHINGTON, DONNA	NOV-26- 2008 09:07	APPROVED - YES
[View]	19	REQUEST FOR PHOTOS	N/A	1	Log #1020887 E.T., [REDACTED] Photos of [REDACTED]	[REDACTED] YES	WASHINGTON, DONNA	NOV-26- 2008 09:08	APPROVED - YES
[View]	20	REQUEST FOR PHOTOS	N/A	1	Crime Scene Processing Report	[REDACTED] YES	WASHINGTON, DONNA	NOV-26- 2008 09:10	APPROVED - YES
[View]	21	REQUEST FOR PHOTOS	N/A	1	Fax Confirmation	[REDACTED] YES	WASHINGTON, DONNA	NOV-26- 2008 09:11	APPROVED - YES
[View]	22	PHOTOGRAPH	N/A	16	Photos of complainant, [REDACTED]	[REDACTED] YES	WASHINGTON, DONNA	NOV-26- 2008 09:16	APPROVED - YES
[View]	23	ATTEMPT TO CONTACT	N/A	1	Cert. Mail receipts	[REDACTED] YES	WASHINGTON, DONNA	NOV-26- 2008 09:12	APPROVED - YES
[View]	24	ATTEMPT TO CONTACT	N/A	1	Cert. Mail Receipt (Final)	[REDACTED] YES	WASHINGTON, DONNA	NOV-26- 2008 09:26	APPROVED - YES
[View]	25	ATTEMPT TO CONTACT	N/A	1	PV to witness, [REDACTED] [REDACTED]	[REDACTED] YES	WASHINGTON, DONNA	NOV-26- 2008 09:14	APPROVED - YES
[View]	26	O.E.M.C. (OEMC) TRANSMISSIONS	N/A	5	Hot Desk File	[REDACTED] YES	WASHINGTON, DONNA	NOV-26- 2008 09:30	APPROVED - YES
[View]	27	REPORT (OTHER)	N/A	1	Notification to IAD	[REDACTED] YES	WASHINGTON, DONNA	NOV-26- 2008 09:34	APPROVED - YES
[View]	28	ATTEMPT TO CONTACT	N/A	1	Cert. Stamped green Cards	[REDACTED] YES	WASHINGTON, DONNA	NOV-26- 2008 09:35	APPROVED - YES
[View]	29	NOTIF OF CHARGES/ALLEGATIONS - ADM PROC RIGHTS (STATUTORY)	N/A	1	Officer, Gar Claxton, #11299	[REDACTED] YES	WASHINGTON, DONNA	DEC-09- 2008 13:36	APPROVED - YES
[View]	30	WAIVER OF COUNSEL/REQUEST TO SECURE COUNSEL	N/A	1	Officer, Gary Claxton, #11299	[REDACTED] YES	WASHINGTON, DONNA	DEC-09- 2008 13:37	APPROVED - YES
[View]	31	ACCUSED REPORT	N/A	4	Officer, Gary Claxton, 11299	[REDACTED] YES	WASHINGTON, DONNA	DEC-09- 2008 13:38	APPROVED - YES
[View]	32	REPORT (OTHER)	N/A	1	Contact Card	[REDACTED] YES	WASHINGTON, DONNA	DEC-09- 2008 13:39	APPROVED - YES
[View]	33	WITNESS REPORT	N/A	3	Officer, Zachery Scott, #6187	[REDACTED] YES	WASHINGTON, DONNA	DEC-09- 2008 13:41	APPROVED - YES
[View]	34	ATTEMPT TO CONTACT	N/A	1	Certified Stamped Letter returned	[REDACTED] YES	WASHINGTON, DONNA	DEC-09- 2008 14:10	APPROVED - YES
[View]	35	INVESTIGATOR CASE LOG	N/A	4	Log#1020887	[REDACTED] YES	WASHINGTON, DONNA	DEC-09- 2008 14:24	APPROVED - YES
[View]	-	SUMMARY REPORT	N/A	3	-	[REDACTED] NO	OLVERA, DONNA	DEC-12-	APPROVED - YES

Internal Use Only

No Internal Use Only attachments available.

Print Accused Appeal Forms

No Accused Appeal forms available for this Log No.

Related Incidents[!\[\]\(35dc653d59570f8f891c312eeece91a2_img.jpg\) TIP](#) Related Incidents listed below are for reference only. These may be viewed using the related application search screens.

No Related Incidents associated with this Log No.

Status History[!\[\]\(aab88c0d099e5d18d6533a97b13ec28d_img.jpg\) TIP](#) Every employee included in the Status History is subject to be called for legal or administrative proceedings.

Resulting Status	Status Date/Time	Created By	Position	Employee No.	Assigned/ Detailed Unit	Comments
CLOSED/FINAL	16-JAN-2009 12:06	HENDERSON, PAMELA	CLERK 3		113 / -	-
CLOSED AT C.O.P.A.	16-JAN-2009 12:06	HENDERSON, PAMELA	CLERK 3		113 / -	-
PENDING IMPLEMENT ACTION	15-JAN-2009 14:54	MAHONEY, DANIEL	PO LEGAL OFF 2		121 / -	-
PENDING SUPERINTENDENT DECISION	06-JAN-2009 19:02	WILLIAMS, EUGENE	CHIEF		142 / -	-
PENDING COMMAND CHANNEL REVIEW	02-JAN-2009 16:46	ALEXANDER, DANA	DEP CHIEF		212 / -	-
PENDING COMMAND CHANNEL REVIEW	22-DEC-2008 11:23	MAHONEY, DANIEL	PO LEGAL OFF 2		121 / -	-
PENDING ADVOCATE REVIEW	18-DEC-2008 10:41	DEBONNETT, ALICE	POLICE OFFICER		009 / 121	-
PENDING REVIEW INCIDENT (I.A.D./DISTRICT USE)	12-DEC-2008 14:43	LOCKHART, BRIAN	CLERK 3		113 / -	-
CLOSED AT C.O.P.A.	12-DEC-2008 14:43	LOCKHART, BRIAN	CLERK 3		113 / -	-
PENDING REVIEW INCIDENT (C.O.P.A. USE ONLY)	12-DEC-2008 13:49	OLVERA, MARIA	SUPERVISING INV COPA		113 / -	-
PENDING INVESTIGATIVE REVIEW	10-DEC-2008 14:24	WASHINGTON, DONNA	INVESTIGATOR 2 COPA		113 / -	-
PENDING INVESTIGATION	10-DEC-2008 14:14	OLVERA, MARIA	SUPERVISING INV COPA		113 / -	-
PENDING INVESTIGATIVE REVIEW	09-DEC-2008 14:25	WASHINGTON, DONNA	INVESTIGATOR 2 COPA		113 / -	-
PENDING INVESTIGATION	17-OCT-2008 14:02	DUFFY, MICHAEL	COOR /INVESTIGATIONS		113 / -	-
PENDING ASSIGN INVESTIGATOR	17-OCT-2008 10:52	DUFFY, MICHAEL	COOR /INVESTIGATIONS	38193	113 / -	Type Changed from INFO to CR on 17-OCT-2008 10:52 by DUFFY, MICHAEL Affidavit information for this Log Number has changed on 17-OCT-2008 10:52 by DUFFY, MICHAEL
PENDING ASSIGN TEAM	16-OCT-2008 15:07	QUERFURTH, PATRICK	SUPERVISING INV COPA	29051	113 / -	-

PENDING SUPERVISOR REVIEW	16-OCT-2008 14:35	SMITH-TOLLIVER, STACEY	INTAKE AIDE	<div></div>	113 / -	-
PRELIMINARY	16-OCT-2008 14:15	SMITH-TOLLIVER, STACEY	INTAKE AIDE	<div></div>	113 / -	-

row(s) 1 - 18 of 18

Command Channel Reviewers

Accused Name	Sequence No.	Reviewer
CLAXTON, GARY 1		ALEXANDER, DANA
CLAXTON, GARY 2		WILLIAMS, EUGENE

row(s) 1 - 2 of 2